

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 Title: System and Method for \$ IBM Corporation
 Anonymous Message \$ Intellectual Property Law Dept.
 Forwarding and Anonymous \$ 11400 Burnet Road
 Voting \$ Austin, Texas 78758

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May 15, 2007
 Date

APPELLANTS' BRIEF (37 CFR § 41.37)

Sir:

A. INTRODUCTORY COMMENTS

This brief is filed in support of the previously filed Notice of Appeal, filed in this case on April 24, 2007, which appealed from the decision of the Examiner dated January 24, 2007, rejecting claims 1, 3-9, 11-17, and 19-24. **Appellants respectfully request that the fee for the previously filed Appeal Brief, filed on August 10, 2006 (with an Amended Appeal Brief filed on November 9, 2006), be applied to this filing, per MPEP § 1204.01, as a final Board decision was never rendered in the previous appeal. Therefore, no fee is believed due for the filing of the present Appeal Brief.**

The two-month deadline for filing this Appeal Brief is June 24, 2007, therefore, no extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

B. REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines Corporation, which is the assignee of the entire right, title, and interest in the above-identified patent application.

C. RELATED APPEALS AND INTERFERENCES

With respect to other prior or pending appeals, interferences, or judicial proceedings that are related to, will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such prior or pending appeals, interferences, or judicial proceeding known to Appellants, Appellants' legal representative, or assignee.

D. STATUS OF CLAIMS*1. Total number of claims in application*

There are 21 claims pending. Three claims are independent claims (1, 9, and 17), and the remaining claims are dependent claims.

2. Status of all claims in application

- Claims canceled: 2, 10, and 18
- Claims withdrawn from consideration but not canceled: none
- Claims pending: 1, 3-9, 11-17, and 19-24
- Claims allowed: None
- Claims rejected: 1, 3-9, 11-17, and 19-24

3. Claims on appeal

The claims on appeal are: 1, 3-9, 11-17, and 19-24.

E. STATUS OF AMENDMENTS

All amendments have been entered in this case.

F. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide a concise summary of the claimed subject matter as follows. Claims 1, 9, and 17 are independent claims. Note that claims 1 and 3-8 are method claims, claims 9 and 11-16 are information handling system claims, and claims 17 and 19-24 are computer program product claims. Independent claims 9 and 17 include means plus function limitations that correspond to the method steps set forth in independent claim 1. An information handling system capable of implementing Appellants' invention, as claimed in independent claim 9, is shown in Figures 1 and 6, and described in Appellants' specification on page 6, line 8 through page 9, line 19, and also on page 18, line 21 through page 20, line 6. Support for independent computer program product claim 17 is described in Appellants' specification on page 20, lines 7-24. In addition, support for each of the method steps and means plus function limitations of the independent claims are discussed below. The specific citations to Appellants' Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims. In particular, the citations below do not limit the scope of equivalents as provided under 35 U.S.C. § 112, sixth paragraph.

As claimed in independent claim 1, the claimed invention is a method for processing an electronic voting message, including compiling a voter data list that includes a plurality of authorized voters (see e.g., Figure 3, reference numeral 305; page 12, line 26 through page 13, line 27), sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters (see e.g., Figure 3, reference numerals 310, 315, 320, 325, and 330; page 12, line 26 through page 13, line 27), receiving the electronic voting message from a client (see e.g., Figure 4, reference numeral 430, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 530, page 16, line 10 through page 18, line 20), determining, based on the voter data list, whether the client is authorized to vote (see e.g., Figure 4, reference numerals 435, 440, and 445, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 535, 540, and 545, page 16, line 10 through page 18, line 20), and in response to determining that the client is

authorized to vote, performing the following: removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message (see e.g., Figure 4, reference numeral 452, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 552, page 16, line 10 through page 18, line 20), and identifying one or more votes in the anonymous message (see e.g., Figure 4, reference numeral 455, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 555, page 16, line 10 through page 18, line 20), and in response to determining that the client is not authorized to vote, disregarding the electronic voting message (see e.g., Figure 4, reference numeral 448, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 548, page 16, line 10 through page 18, line 20).

As claimed in independent claim 9, the claimed invention is an information handling system (see e.g., Figure 1, page 6, line 8 through page 9, line 19; also see e.g., Figure 6, page 18, line 21 through page 20, line 6) including one or more processors (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6), a memory accessible by the processors (see e.g., Figure 6, reference numerals 610 and 620; page 18, line 21 through page 20, line 6), one or more nonvolatile storage devices accessible by the processors (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6), an electronic voting message handling tool to manage an electronic voting message stored on one of the nonvolatile storage devices (see e.g., Figure 1, reference numerals 172, 180, 125, 100, 170, and 135; page 6, line 8 through page 9, line 19), the electronic voting message handling tool including means for compiling a voter data list that includes a plurality of authorized voters (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numeral 305; page 12, line 26 through page 13, line 27), means for sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numerals 310, 315, 320, 325, and 330; page 12, line 26 through page 13, line 27), means for receiving the electronic voting message from a client (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 430, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 530, page 16, line 10 through page 18, line 20),

means for determining, based on the voter data list, whether the client is authorized to vote (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 435, 440, and 445, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 535, 540, and 545, page 16, line 10 through page 18, line 20), means for removing an identity of the client from the electronic voting message in response to determining that the client is authorized to vote, wherein the removing results in an anonymous message (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 452, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 552, page 16, line 10 through page 18, line 20), means for identifying one or more votes in the anonymous message (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 455, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 555, page 16, line 10 through page 18, line 20), and means for disregarding the electronic voting message in response to determining that the client is not authorized to vote (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 448, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 548, page 16, line 10 through page 18, line 20).

As claimed in independent claim 17, the claimed invention is a computer program product (see e.g., page 20, lines 7-24) stored in a computer operable media (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6) for managing an electronic voting message including means for compiling a voter data list that includes a plurality of authorized voters (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numeral 305; page 12, line 26 through page 13, line 27), means for sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numerals 310, 315, 320, 325, and 330; page 12, line 26 through page 13, line 27), means for receiving the electronic voting message from a client (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 430, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral

530, page 16, line 10 through page 18, line 20), means for determining, based on the voter data list, whether the client is authorized to vote (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 435, 440, and 445, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 535, 540, and 545, page 16, line 10 through page 18, line 20), means for removing an identity of the client from the electronic voting message in response to determining that the client is authorized to vote, wherein the removing results in an anonymous message (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 452, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 552, page 16, line 10 through page 18, line 20), means for identifying one or more votes in the anonymous message (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 455, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 555, page 16, line 10 through page 18, line 20), and means for disregarding the electronic voting message in response to determining that the client is not authorized to vote (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 448, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 548, page 16, line 10 through page 18, line 20).

Appellants argue the claims in several groups, and, as required by 37 C.F.R. §41.37(c)(1)(v), Appellants provide support from the specification for the means plus function elements of each dependent claim argued separately below.

Claim 11 is argued separately below, as part of a group including claims 3, 5, 11, 13, 19, and 21. Claim 11 includes means for sending a confirmation message to the client, the confirmation message including a summary of the determination (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 463, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 563, page 16, line 10 through page 18, line 20).

Claim 14 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 14 includes means for modifying a total number of votes, the means for modifying further including means for adding the one or more votes to the total number of votes (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g.,

Figure 4, reference numeral 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 582, page 16, line 10 through page 18, line 20).

Claim 15 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 15 includes means for sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 463, 458, 480, and 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 555, 580, and 582, page 16, line 10 through page 18, line 20).

Claim 19 is argued separately below, as part of a group including claims 3, 5, 11, 13, 19, and 21. Claim 19 includes means for sending a confirmation message to the client, the confirmation message including a summary of the determination (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 463, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 563, page 16, line 10 through page 18, line 20).

Claim 22 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 22 includes means for modifying a total number of votes, the means for modifying further including means for adding the one or more votes to the total number of votes (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 582, page 16, line 10 through page 18, line 20).

Claim 23 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 23 includes means for sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 463, 458, 480, and 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 555, 580, and 582, page 16, line 10 through page 18, line 20).

G. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 4, 8, 9, 12, 16, 17, 20, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz, U.S. Patent No. 6,460,036 (hereinafter Herz). Claims 3, 5, 11, 13, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz. Claims 6, 7, 14, 15, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Bayer, U.S. Patent No. 6,311,190 (hereinafter Bayer).

H. ARGUMENTS – APPELLANTS CLAIMS ARE NEITHER TAUGHT NOR SUGGESTED BY THE CITED REFERENCES1. Claims 1, 4, 8, 9, 12, 16, 17, 20, and 24 Are Patentable Over Herz

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (Manual of Patent Examining Procedure § 2143.03). Appellants' claimed invention is patentable over Herz because Herz fails to teach or suggest all of the elements of the claimed invention.

Appellants note that all references to the "Office Action" refer to the Office Action mailed January 24, 2007.

Herz purports to teach a system for "customized electronic identification of desirable objects in an electronic media environment, which system enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy" (Herz, col. 4, lines 38-43). Herz discloses that each target object has a target profile, and each user has a target profile interest summary. The system disclosed by Herz evaluates target profiles versus a user's target profile interest summary in order "to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects" (Herz, col. 5, lines 8-22).

Appellants teach and claim a method, system, and computer program product for processing an electronic voting message. Using independent claim 1 as an exemplary claim, Appellants' independent claims include the following elements:

- compiling a voter data list that includes a plurality of authorized voters;
- sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters;
- receiving the electronic voting message from a client;
- determining, based on the voter data list, whether the client is authorized to vote;
- in response to determining that the client is authorized to vote, performing the following:
 - removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message; and
 - identifying one or more votes in the anonymous message; and
- in response to determining that the client is not authorized to vote, disregarding the electronic voting message.

Appellants respectfully submit that Herz does not teach or suggest all the elements of independent claims 1, 9, and 17. For example, Herz does not teach or suggest "compiling a voter data list that includes a plurality of authorized voters." The Office Action cites Herz at col. 48, lines 27-30 as teaching this element (see Office Action, page 8, lines 12-18). The cited section of Herz discusses a situation where a parent instructs a proxy server "that only target objects that have been digitally signed by a recognized child protection agency may be transmitted to a user" (Herz, col. 48, lines 22-25). This prevents a child from accessing pornography (Herz, col. 48, lines 25-29). While certainly useful, preventing a child from accessing pornography on the web is simply not the same or even similar to "compiling a voter data list that includes a plurality of authorized voters," as taught and claimed by Appellants in independent claims 1, 9, and 17.

The Office Action further cites Herz at col. 5, lines 50-53 as disclosing that a list of users' profile summaries is provided to relevant servers (see Office Action, page 3, lines 2-9). The Office Action contends that this list "is essentially a list that includes authorized voters, because it represents users that will be solicited for feedback." Appellants respectfully disagree

with this assertion. The cited portion of Herz (including several lines before and after the cited portion) reads as follows:

It is therefore necessary that data in a user's target profile interest summary be protected from unwanted disclosure except with the user's agreement. At the same time, the user's target profile interest summaries must be accessible to the relevant servers that perform the matching of target objects to the users, if the benefit of this matching is desired by both providers and consumers of the target objects. The disclosed system provides a solution to the privacy problem by using a proxy server which acts as an intermediary between the information provider and the user. (Herz, col. 5, lines 47-57).

As can be seen, the cited section of Herz is not discussing any type of list, and is certainly not discussing "compiling a voter data list that includes a plurality of authorized voters," as taught and claimed by Appellants. The cited section of Herz is discussing the sometimes conflicting goals of maintaining a user's privacy while also finding matching target objects in which the user may be interested. Herz's solution to this problem includes the use of a proxy server as an intermediary. However, there is nothing in either of the cited sections of Herz that discloses compiling any type of list, much less *a list of authorized voters*. The cited sections of Herz do not have anything whatsoever to do with a voter data list or with any type of voter or list of authorized voters. A close reading of Herz does not reveal any teaching or suggestion of *compiling a voter data list*, and therefore Appellants respectfully submit that Herz does not teach or suggest this element of Appellants' independent claims.

Appellants further submit that Herz does not teach or suggest "sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters," as taught and claimed by Appellants. The Office Action cites Herz at col. 32, lines 19-24 and lines 63-65, as disclosing sending the voter data list to a mail forwarding service (see Office Action, page 8, lines 17-21). The Office Action further cites the proxy server disclosed by Herz in col. 5, lines 50-60 (see

Office Action, page 8, line 21 through page 9, line 2, and also page 3, lines 9-14). The cited sections of Herz discuss combining pseudonym granting and credential transfer methods (Herz, col. 32, lines 19-24) and further discuss using a proxy server to forward unsolicited communications to a user in accordance with access control specifications specified by the user (Herz, col. 32, lines 62-67). These sections of Herz do not relate to sending a voter data list to a mail forwarding service, as taught and claimed by Appellants. Furthermore, even if the proxy server disclosed by Herz in col. 5, lines 50-60 can be said to act as a mail forwarding service, Herz does not teach or suggest sending a voter data list to a mail forwarding service as taught and claimed by Appellants. Appellants respectfully note that all words in a claim must be considered when determining whether or not a cited reference teaches or suggests a claim limitation. The proxy server in Herz appears to send communications between a user and an information provider, but there is nothing in Herz that indicates that *a voter data list* is sent *to a mail forwarding service*, as taught and claimed by Appellants.

The Office Action further cites Herz at col. 17, lines 35-40, and col. 18, lines 18-24 and lines 37-40 as disclosing “wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters” (see Office Action, page 4, lines 4-10 and page 9, lines 3-11). The cited sections of Herz disclose a user providing feedback as to whether or not a target object really is of interest (Herz, col. 17, lines 35-40). The section of Herz cited at col. 18, lines 37-40 discusses “a news clipping service that periodically presents the user with news articles of potential interest.” The news clipping service allows a user to provide “active and/or passive feedback to the system related to these presented articles” (Herz, col. 18, lines 36-40). The cited sections of Herz have absolutely nothing to do with a mail forwarding service *sending vote requests* to one or more *authorized voters*. Even if allowing a user to give feedback regarding a news article can be said to be similar to allowing a user to vote on a news article, Herz does not disclose sending a vote request to one or more authorized voters. Receiving feedback from a user is not the same as sending a vote request to that user. Further, Herz does not address the issue of a mail forwarding service sending vote requests to one or more authorized users, as taught and claimed by Appellants.

Appellants further submit that Herz does not teach or suggest “determining, based on the voter data list, whether the client is authorized to vote.” The Office Action cites Herz at col. 35,

lines 30-35 and lines 54-56, and also Herz at col. 36, lines 23-36 as disclosing this element of Appellants' independent claims (see Office Action, page 5, lines 1-10 and page 9, lines 17-21). The cited sections of Herz discuss the use of pseudonyms, such that a "user can use different pseudonyms with different organization (or disjoint sets of organizations), yet still present credentials that were granted by one organization, under one pseudonym, without revealing that the two pseudonyms correspond to the same user" (Herz, col. 35, line 57-63). Granting credentials to a pseudonym, and allowing a user to transact business with various organizations using different pseudonyms is not the same as determining whether or not a client is authorized to vote. Herz does not teach or suggest determining anything based on a voter data list, and Herz certainly does not teach or suggest determining whether a client is authorized to vote, based on a voter data list. In short, Herz does not teach or suggest anything having to do with this element of Appellants' independent claims.

Appellants further submit that Herz does not teach "in response to determining that the client is authorized to vote . . . removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message," and "identifying one or more votes in the anonymous message." The Office Action cites Herz at col. 35, lines 25-30 as disclosing "in response to determining that the client is authorized to vote . . . removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message" (see Office Action, page 10, lines 1-4). The cited section of Herz discloses using a "mix path protocol" to allow anonymous communication between users, including information providers, vendors, and proxy servers. However, nothing in Herz discloses removing an identity from *an electronic voting message* in response to *determining that a client is authorized to vote*. Once again, Appellants respectfully note that all words in a claim must be considered when determining whether or not a cited reference teaches or suggests a claim limitation. Herz simply does not disclose anything having to do with this element of Appellants' independent claims.

The Office Action further cites Herz at col. 18, lines 37-40 as teaching "identifying one or more votes in the anonymous message" (see Office Action, page 10, lines 5-9). As discussed above, this section of Herz discloses a user giving feedback to the system regarding articles that have been presented to the user. The Office Action states that this "feedback would include one

or more votes in the anonymous message” (see Office Action, page 10, lines 8-9). Appellants respectfully disagree. As discussed above, the feedback disclosed by Herz, i.e. the feedback from a user to the system regarding news clippings, could not be anonymous. This feedback has to be tied to a particular user in order to be useful in the future for the user’s target profile interest summary. A close reading of Herz shows absolutely no disclosure of identifying votes *in an anonymous message*, and therefore Appellants respectfully submit that Herz does not teach “identifying one or more votes in the anonymous message,” as taught and claimed by Appellants.

The Office Action further cites the proxy server used by Herz as disclosing that the message received from the user is anonymous (see Office Action, page 4, lines 11-22 and page 5, lines 11-21). However, the proxy server discussed by Herz merely provides a way for a user to keep “all or part of the target profile interest summary” confidential (Herz, col. 5, lines 42-46). For example, a user may wish to keep information relating to his political, religious, financial, or purchasing behavior confidential (Herz, col. 5, lines 44-47). However, it is important to note that this information is kept confidential with regard to the actual information provider. This information is *not* kept confidential from the “relevant servers that perform the matching of target objects to the users” (Herz, col. 5, lines 47-54). In other words, a user may control which marketers and advertisers have access to his target profile interest summary (Herz, col. 5, line 59 through col. 6, line 2). But the actual servers that perform the matching of a user’s target profile interest summary and target objects in which the user may be interested need to have access to the user’s target profile interest summary. As clearly stated in Herz, “the users’ target profile interest summaries *must be accessible* to the relevant servers that perform the matching of target objects to the user” (Herz, col. 5, lines 50-52, emphasis added).

In Herz’s system, the relevant servers, i.e. the servers that perform the matching of a user’s target profile interest summary and potential target objects, must have access to the user’s target profile interest summary in order to perform the requested matching. Each user’s target profile interest summary is automatically updated on a continuing bases to reflect the user’s changing interests. Similarly, the relevant servers must have access to the target profiles of target objects (Herz, col. 6, lines 2-62). Herz matches users and target objects, also referred to as buyers and sellers (or items for sale), by estimating “a given user’s interest in each target object”

(Herz, col. 17, lines 28-32). When a user provides feedback to Herz's system, as discussed for example, in Herz col. 17, line 28 through col. 18, line 48, this feedback is NOT provided anonymously. The servers that are performing the matching of buyers and sellers (i.e. users and target objects) are doing so with full access to the user's feedback. The proxy server discussed in Herz at col. 5, lines 50-60, is not used so that users can provide anonymous feedback to the servers that are performing the matching. Rather, the proxy server is used so that sellers, such as the car sellers discussed in columns 17 and 18 of Herz, do not have access to a buyer's target profile interest summary (unless of course the buyer gives permission for the seller to have access).

Herz discloses matching users with target objects by comparing users' target profile interest summaries to target objects' profiles. Herz further discloses allowing users to prevent a seller (i.e. a provider of potential target objects) from accessing all or part of their target profile interest summaries. However, based on the above discussion, Appellants respectfully submit that Herz does not teach or suggest "in response to determining that the client is authorized to vote . . . removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message," and "identifying one or more votes in the anonymous message," as taught and claimed by Appellants.

Appellants further submit that Herz does not teach or suggest "in response to determining that the client is not authorized to vote, disregarding the electronic voting message." Because Herz does not teach or suggest "determining, based on the voter data list, whether the client is authorized to vote," Herz simply can not teach or suggest "disregarding a voting message *in response to determining that a client is not authorized to vote*," as taught and claimed by Appellants.

Based on the above discussion, Appellants respectfully submit that Herz does not teach or suggest many of the elements in independent claims 1, 9, and 17, and therefore, Appellants respectfully submit that independent claims 1, 9, and 17 are patentable over Herz. Appellants therefore respectfully request that the rejections under 35 U.S.C. § 103(a) be overturned, and that independent claims 1, 9, and 17, and the claims which depend from them, be allowed.

2. Claims 3, 5, 11, 13, 19, and 21 Are Patentable Over Herz

Claims 3, 5, 11, 13, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz. Each of these claims depends from one of Appellants' independent claims, and is therefore patentable for at least the reasons discussed above with regard to Appellants' independent claims. In particular, Herz does not teach or suggest at least the compiling, sending, determining, identifying, or disregarding elements of Appellants' independent claims. Indeed, as discussed fully above, Herz has absolutely nothing to do with sending vote requests to one or more authorized voters. Because Herz does not teach or suggest many of the elements of Appellants' independent claims, and because claims 3, 5, 11, 13, 19, and 21 each depend from one of Appellants' independent claims, it follows that claims 3, 5, 11, 13, 19, and 21 are patentable over Herz.

Appellants further point out that the Office Action admits that Herz does not disclose "sending a confirmation message to the client, the confirmation message including a summary of the determination" (see Office Action, page 12, line 17 through page 13, line 2). However, the Office Action states that "providing confirmation messages regarding a summary of a determination is old and well known in the art of communication" (see Office Action, page 13, lines 3-6). While providing confirmation messages may be known in the art of communication, Appellants respectfully note that a claim must be viewed in its entirety. As discussed fully above, Herz does not teach or suggest determining, based on a voter data list, whether or not a client is authorized to vote. Because Herz does not teach or suggest determining as it is taught and claimed by Appellants, Herz can not and does not teach or suggest "sending a confirmation message to the client, the confirmation message including *a summary of the determination*," as taught and claimed by Appellants in claims 3, 11, and 19.

The Office Action also takes Official Notice that the use of freeform comments is old and well known in the art (see Office Action, page 13, line 12 through page 14, line 1). Again, Appellants respectfully note that a claim must be viewed in its entirety. Appellants are not simply claiming the use of freeform comments, but rather, are claiming that one of the votes, which has been identified in an anonymous message (as claimed in the independent claims) includes a freeform comment. Herz does not teach or suggest using a freeform comment in this way. Therefore, Appellants respectfully submit that, regardless of whether the use of freeform

comments is well known in the art, Herz simply does not teach or suggest all of the elements of claims 5, 13, and 21, when viewed in light of the independent claims from which they depend.

For the reasons set forth above, Appellants respectfully request that the rejections of claims 3, 5, 11, 13, 19, and 21 be overturned.

3. Claims 6, 7, 14, 15, 22, and 23 Are Patentable Over Herz In View Of Bayer

Claims 6, 7, 14, 15, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Bayer. Each of these claims depends, either directly or ultimately, from one of Appellants' independent claims, and is therefore patentable for at least the reasons discussed above with regard to Appellants' independent claims. Bayer purports to teach "a system for conducting surveys over a network to multiple voters in multiple countries throughout the world in different languages" (Bayer, col. 2, lines 9-12). However, Bayer does not overcome the deficiencies of Herz. In particular, nothing in Bayer overcomes the fact that Herz does not teach or suggest at least the compiling, sending, determining, identifying, or disregarding elements of Appellants' independent claims. Regardless of whether or not Bayer discloses some type of vote tallying, neither Herz nor Bayer nor a combination of the two teaches or suggests many of the elements of Appellants' claims.

For the reasons set forth above, Appellants respectfully submit that claims 6, 7, 14, 15, 22, and 23 are patentable over Herz in view of Bayer, and respectfully request that the rejections of these claims under 35 U.S.C. § 103 be overturned.

Conclusion

For the foregoing reasons, Appellants submits that claims 1, 3-9, 11-17, and 19-24 are allowable, and, accordingly, Appellants respectfully request that the Examiner's claim rejections be reversed and claims 1, 3-9, 11-17, and 19-24 be allowed.

Respectfully submitted,

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I. CLAIMS APPENDIX

1. A method for processing an electronic voting message, said method comprising:
compiling a voter data list that includes a plurality of authorized voters;
sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters;
receiving the electronic voting message from a client;
determining, based on the voter data list, whether the client is authorized to vote;
in response to determining that the client is authorized to vote, performing the following:
removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message; and
identifying one or more votes in the anonymous message; and
in response to determining that the client is not authorized to vote, disregarding the electronic voting message.
2. (Canceled)
3. The method as described in claim 1 further comprising:
sending a confirmation message to the client, the confirmation message including a summary of the determination.
4. The method as described in claim 1 wherein the determining further comprises:
retrieving the identity of the client; and
comparing the identity of the client to one or more of the plurality of authorized voters retrieved from the voter data list.
5. The method as described in claim 1 wherein one of the votes includes a freeform comment.
6. The method as described in claim 1 further comprising:
modifying a total number of votes, the modifying further including:

adding the one or more votes to the total number of votes.

7. The method as described in claim 6 further comprising:
sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes.
8. The method as described in claim 1 wherein the electronic message is selected from the group consisting of a phone-in message, a private client email message, a public client email message, a hypertext transfer protocol message, a computer network message, an Active X message, and a Java message.
9. An information handling system comprising:
one or more processors;
a memory accessible by the processors;
one or more nonvolatile storage devices accessible by the processors;
an electronic voting message handling tool to manage an electronic voting message stored on one of the nonvolatile storage devices, the electronic voting message handling tool including:
means for compiling a voter data list that includes a plurality of authorized voters;
means for sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters;
means for receiving the electronic voting message from a client;
means for determining, based on the voter data list, whether the client is authorized to vote;
means for removing an identity of the client from the electronic voting message in response to determining that the client is authorized to vote, wherein the removing results in an anonymous message;
means for identifying one or more votes in the anonymous message; and
means for disregarding the electronic voting message in response to determining that the client is not authorized to vote.

10. (Canceled)
11. The information handling system claim as described in claim 9 further comprising:
means for sending a confirmation message to the client, the confirmation message
including a summary of the determination.
12. The information handling system claim as described in claim 9 wherein the means for
determining further comprises:
means for retrieving the identity of the client; and
means for comparing the identity of the client to one or more of the plurality of
authorized voters retrieved from the voter data list.
13. The information handling system claim as described in claim 9 wherein one of the votes
includes a freeform comment.
14. The information system handling claim as described in claim 9 further comprising:
means for modifying a total number of votes, the means for modifying further including:
means for adding the one or more votes to the total number of votes.
15. The information system handling claim as described in claim 14 further comprising:
means for sending the total number of votes to a receiving server, wherein the receiving
server is adapted to include the total number of votes with other received votes.
16. The information system handling claim as described in claim 9 wherein the electronic
message is selected from the group consisting of a phone-in message, a private client
email message, a public client email message, a hypertext transfer protocol message, a
computer network message, an Active X message, and a Java message.
17. A computer program product stored in a computer operable media for managing an
electronic voting message, said computer program product comprising:
means for compiling a voter data list that includes a plurality of authorized voters;

means for sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters;

means for receiving the electronic voting message from a client;

means for determining, based on the voter data list, whether the client is authorized to vote;

means for removing an identity of the client from the electronic voting message in response to determining that the client is authorized to vote, wherein the removing results in an anonymous message;

means for identifying one or more votes in the anonymous message; and

means for disregarding the electronic voting message in response to determining that the client is not authorized to vote.

18. (Canceled)
19. The computer program product as described in claim 17 further comprising:
means for sending a confirmation message to the client, the confirmation message including a summary of the determination.
20. The computer program product as described in claim 17 wherein the means for determining further comprises:
means for retrieving the identity of the client; and
means for comparing the identity of the client to one or more of the plurality of authorized voters retrieved from the voter data list.
21. The computer program product as described in claim 17 wherein one of the votes includes a freeform comment.
22. The computer program product as described in claim 17 further comprising:
means for modifying a total number of votes, the means for modifying further including:
means for adding the one or more votes to the total number of votes.
23. The computer program product as described in claim 22 further comprising:

means for sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes.

24. The computer program product as described in claim 17 wherein the electronic message is selected from the group consisting of a phone-in message, a private client email message, a public client email message, a hypertext transfer protocol message, a computer network message, an Active X message, and a Java message.

J. EVIDENCE APPENDIX

Not applicable.

K. RELATED PROCEEDINGS APPENDIX

Not applicable.